

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR. JUSTICE C.V. RAMULU

WRIT PETITION NO : 21819 of 2004

Between:

Kommi Ramanaiah, S/o. Pedda Venkaiah,
R/o. Dundigam Village, Dagadarthi Mandal, Nellore District.

..... PETITIONER

AND

- 1 The District Collector, Nellore, Nellore District.
- 2 The Revenue Divisional Officer, Kavali, Nellore District.
- 3 The Mandal Revenue Officer, Dagadarthi Village & Mandal,

Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to declare the action of the Respondents in evicting the petitioner from the land of an extent of Ac. 3.00 cents in Sy.No.221/2 situated at Dundigam Village, Dagadarthi Mandal, Nellore District, without giving any and conducting any enquiry and without issuing any impugned order, is arbitrary, un-reasonable and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner of the land an extent of Ac. 3.00 cents situated in Sy.No.221/2 of Dundigam village, Dagadarthi Mandal, Nellore District.

For the Petitioner: MR.G.TUHIN KUMAR, Advocate.

For the Respondents: GP FOR REVENUE.

The Court made the following:

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in proposing to evict the petitioner from the land admeasuring an extent of Acs.3.00 cents in Sy.No. 221/2 situated at Dundigam Village, Dagadarthi Mandal, Nellore, without following due process of law as arbitrary and illegal.

The main grievance of the petitioner is that the 3rd respondent without giving any notice and without affording any opportunity to him has sent his staff for evicting him from the land in question. According to the petitioner, no notice of any kind was issued to him and no orders, if any passed by the 3rd respondent, was served on him. It is asserted by him that the revenue records disclose that he has been in possession of the land in question from the date of his purchase from one Vegurupati Polaiah, in whose favour the Government has assigned the land in the year 1996, for a consideration of Rs.25,000/-.

Admittedly, the land in question is an assigned land and the petitioner purchased the land contrary to the provisions of the Andhra Pradesh Assigned Land (Prohibition of Transfer) Act, 1977. However, it is asserted by the petitioner that he has not been given any notice and no enquiry has been conducted as contemplated under the Act.

In the circumstances, without going into the merits, the respondents are directed not to evict the petitioner from the land in question, if he is in possession of the same, without following due process of law.

With the direction as above, the writ petition is disposed of.

C.V. RAMULU, J

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To

- 1 The District Collector, Nellore, Nellore District.
- 2 The Revenue Divisional Officer, Kavali, Nellore District.

3 The Mandal Revenue Officer, Dagadarthi Village & Mandal, Nellore District.

4 Two CCs to the Government Pleader for Revenue, High Court of
Andhra Pradesh, Hyderabad (OUT).

5 Two CD copies.